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SUMMARY RECORD OF THE 347th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 8 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Bulgaria (continued)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Bulgaria (continued) (CRC/C/8/Add.29; CRC/C/Q/BUL.1)

1. At the invitation of the Chairperson, the delegation of Bulgaria resumed its place at the Committee table.

2. Mr. STEFANOV (Bulgaria) said that, the previous day, Mrs. Santos Pais had asked about the treatment of children by Bulgarian law enforcement officials, a recent cause for concern to certain non-governmental organizations. In terms of prevention, training programmes run in all police schools in Bulgaria included talks on the Constitution, the Universal Declaration of Human Rights and the main international human rights instruments, particularly the International Covenant on Civil and Political Rights and henceforth on the Convention on the Rights of the Child. The programmes also included courses on general behaviour and psychology. In addition, articles 40 and 41 of the National Police Act defined when police officials could use force. The Ministry of the Interior had also issued regulations and instructions on the implementation of those articles and the treatment of persons in custody in police stations. The Ministry of the Interior also ran other training programmes with financial and technical assistance from the Embassies of the United States of America and the United Kingdom and from the International Committee of the Red Cross (ICRC).

3. With regard to repression, victims of abuse, their families and NGOs could appeal to the Complaints and Communications Unit of the Directorate of the National Police which looked into all allegations and, when necessary, sent them to the Military Prosecutor. Victims could also appeal directly to the Military Prosecutor, who ordered an investigation and, where necessary, could take the case to court. During the investigation, the alleged culprits were suspended from their duties. In 1996, several court rulings had been handed down against law enforcement officials who had committed human rights violations including 2 prison terms of 20 years and 1 of 18 years. Disciplinary measures were taken in the case of less serious abuses which were not considered crimes under the Penal Code. It had already been mentioned that, in 1996, there had been 75 cases of disciplinary action including dismissals.

4. Mr. KOLAROV (Bulgaria), referring to the question of children who had been put in State institutions, said that the Bulgarian authorities were aware that the system was not ideal for various reasons, and that was why the draft child protection act provided for placement in a family environment. However, as that was not a traditional course of action in Bulgaria, it was difficult to make any further comment for the time being.

5. Several remarks also needed to be made on the concept of the best interests of the child which Mrs. Karp had mentioned. It was true that Bulgarian legislation needed to be updated, but there was already provision in the Family Code for the child to be able to express his opinion on issues directly affecting him, especially in the courts. Judges who had to make decisions on children turned to psychologists or teachers for advice. The

draft child protection act went even further in that it provided for guardians ad litem who were responsible for giving the courts a better understanding of the specific situation of the child and helping the child express his opinion. Bulgaria was taking an active part in the drafting of a European convention on the rights of the child.

6. Marriage was permitted at the age of 18 years or, exceptionally, 16 years with the consent of the judge for children. For the Roma community, in which, unfortunately, the tradition of de facto early marriage continued, specific activities, such as sex education and information on contraception and family planning, were carried out in cooperation with representatives of the Roma community.

7. The draft child protection act provided for police protection in some specific cases, as an emergency, on a temporary basis and provided that the best interests of the child required that he be taken away from his family immediately. The Prosecutor and social services were immediately informed of the action taken so that the child could be put into care as necessary. There was more of a lack of financial resources than of qualified staff.

8. With regard to Mr. Kolosov's comments and questions, those relating to the recognition of specific rights for children gave rise to a delicate conceptual problem. Bulgarian legislation was based on the principle of the protection of fundamental rights as such and not the rights of specific groups. Although the question of legislation particularly focusing on children had been raised on various occasions, including when Bulgaria had ratified the Convention, the legislator had preferred to draft a bill on the protection of children which did not provide for any additional rights, but established the mechanisms and procedures needed to ensure that existing rights were respected. Bulgaria also intended to accede to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption when the necessary amendments had been made to legislation on the family and when a national body had been established, as required by the Convention in question.

9. It did seem sensible, as Mr. Kolosov had suggested, specifically to forbid corporal punishment in the family but it should be pointed out that such punishment was already prohibited in general by the Penal Code and the Public Education Act. In 1996, a court had awarded compensation to a pupil who had been struck by a teacher and the teacher had been dismissed. In any case, there was no tradition of corporal punishment in Bulgarian society. With regard to problems which could arise in that regard in boarding schools, it was out of the question for an NGO to be made responsible for dealing with them. Under the draft child protection act, that was the responsibility of the social services. Mr. Kolosov's last question on whether young persons under 18 years of age could receive medical treatment without the consent of their parents was a particularly delicate issue, but, for the time being, it was merely a theoretical hypothesis. It was feasible, however, that the Constitutional Court or a district court would authorize treatment on the basis of the provisions of the Convention.

10. Referring to the comments by Mrs. Eufemio, he explained that the question of the media and the freedom of expression of children was not

specifically regulated by law precisely in order to avoid restricting such freedom. In practice, all problems facing children were widely covered in the media and there were specialized publications in which children could freely express their opinions. The authorities also organized press conferences to draw attention to children's specific needs and problems. Pornography was treated as a crime under article 159 of the Penal Code and, in 1993, an amendment had provided for stiffer penalties, although the article was unfortunately still breached regularly. The local authorities nevertheless tried to prohibit the distribution of pornographic material, with the encouragement of the population.

11. With regard to new religious movements, the authorities tried to find a balance between freedom of religion and the right of parents to bring up their children according to their beliefs, on the one hand, and the general hostility the population felt towards the movements in question, on the other. Various information campaigns had been undertaken, including in cooperation with the Council of Europe. The introduction of freely chosen religious education in school curricula was also being considered.

12. The principle of the equality of parents had been introduced in Bulgarian law some 50 years previously. Where the father was known, he had the same rights as the mother. When there were problems about which parent had authority, a court decision could be sought. Article 142 of the Penal Code made it a crime to abduct children. However, Bulgaria was not party to the Convention on the Civil Aspects of International Child Abduction because isolated cases were usually settled on a bilateral basis.

13. Mrs. KARP said that she was not quite clear why Bulgaria would prefer, if necessary, to turn to the Constitutional Court for authorization for medical treatment to be given to children without their parents' consent, for example, in the case of drug problems, contraception, abortion, and so forth, rather than simply amending its legislation. She also asked whether police officers were given training to help them deal more effectively with child victims of sexual abuse perpetrated by someone in the family. Why were there no legal provisions ensuring harsher penalties for sexual abuse committed by a family member and what was being done to make the public and the authorities aware of such abuse and to help the victims?

14. She also had the impression that parental consent was required before a child could be taken away from his home, either because of antisocial behaviour or because of an unsuitable environment. There was no mention of the child's consent, however. Also, why, in the new legislation on the prevention of child abuse, was the judge not required to give the child a hearing. In the light of the information in the report on problems in establishments where children were sometimes placed, the relevant decisions should be subject to extremely strict conditions.

15. Mrs. SANTOS PAIS said that she welcomed the intention of the Government of Bulgaria to table a bill prohibiting the corporal punishment of children. She asked whether minors had the right to consult a doctor without their parents' consent, including in the case of family planning, given the large number of pregnancies among young girls and children born outside wedlock. She also asked what measures were being taken to prevent the ill-treatment of

Roma children at the hands of the police, who tended to regard those children as second-class citizens. In that connection, human rights training for police officers, particularly those in positions of responsibility, was essential. Furthermore, complaints of human rights violations committed by police officers or members of the army should be investigated by civilian courts, not by the Military Prosecutor. It would be interesting to know whether children placed in specialized establishments were taken from their families only as a last resort and whether their living conditions were monitored on a regular basis. On the question of the adoption of Bulgarian children by foreigners, she asked what criteria, other than material or financial criteria, were taken into account when selecting adoptive families and whether anyone was responsible for monitoring the situation of adopted children abroad. In cases of adoption in Bulgaria itself, was a child allowed to give his opinion and could a child adopted by a family be sent back to a specialized establishment if the family so requested?

16. Miss MASON asked how the parliamentary National Commission on the Family was related to the Committee for Young People and Children, what services were available to children and wives who had suffered domestic violence and whether a network of host families had been set up to limit the number of children placed in specialized establishments.

17. She also asked for clarification on the agreements that the Ministry of Health and the Ministry of Education, Science and Technologies had entered into, respectively, with SOS Kinderdorf International and SOS Children's Settlements Society (see para. 132 of the report). It would also be useful to have information on why so many young persons committed suicide and how many children had AIDS.

18. Mrs. KARP said that it would be better to provide financial assistance for families that could not support a child than to place the child in a specialized establishment. She also asked whether the children placed in those establishments could complain about living conditions without fear of reprisal.

19. Mrs. EUFEMIO asked whether efforts were being made to ensure that such establishments were as close to a family environment as possible, what proportion of children placed in such establishments returned to live with their family and what measures were taken to enable families to take them back in the best possible conditions.

20. With regard to violence against children, it would be useful to know whether measures other than criminal law measures were being taken to dissuade parents from using violence. The delegation of Bulgaria could also clarify the obstacles facing the Government in implementing the national strategy to combat poor child nutrition. Lastly, given the high rate of divorce and single-parent families, it would be useful to know whether measures were being taken to prepare teenagers for their future role as parents.

The meeting was suspended at 11.15 a.m. and resumed at 11.25 a.m.

21. Mrs. BOJKOVA (Bulgaria) said that when parents asked the Ministry of Education to place their children in a specialized establishment, they had to justify the request. In those conditions, it was difficult to ask a child whether he was in agreement and, if not, to keep the child in the family against the parents' will.

22. Mr. KOLAROV (Bulgaria) said that a child could see a doctor, free of charge, without his parents' consent except when an operation was needed. Law enforcement officials were given specialized training in human rights. There were also special police units which, with the help of psychologists, dealt with abused children or drug addicts. The placement of children in specialized establishments was a measure that the authorities used only as a last resort because they recognized that the family was the best environment for the development of the child. The Government was trying to provide social security to poor families and under the draft child protection act, such assistance was being strengthened, inter alia, with regard to health and housing. A child who was likely to be placed in a boarding school because of antisocial behaviour had to express his opinion before such a measure was taken. However, that was not the case for children the family affairs courts decided to place in specialized establishments, particularly when the parents had been deprived of their parental authority.

23. Mr. STEFANOV (Bulgaria) confirmed that the sexual abuse of a child by his or her parents was not explicitly characterized as a crime under criminal law. The best way to combat that practice was to impress upon parents that they were seriously harming their children. Police officers studied such issues during their training, including from a psychological point of view.

24. The authorities were trying to raise police officers' awareness of the risk of discrimination against the Roma population and the fact that any discriminatory act would receive massive media coverage. The Military Prosecutor and his services came under the judiciary, not the executive.

25. Mr. KOLAROV (Bulgaria) pointed out that, under the draft child protection act, the situation of children in boarding schools would be monitored regularly. The services in charge of the foreign adoption of Bulgarian children provided many guarantees of the child's future protection. A department of the Ministry of Justice would be responsible for the procedures for Bulgaria's accession to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

26. Mrs. BOJKOVA (Bulgaria), replying to Miss Mason's questions, said that a special unit in a large hospital in Sofia was analysing the root causes of the cases of child suicide in the country. She had no statistics to hand at the time on the number of children with AIDS, but it was not a particularly serious problem in Bulgaria. School children were well informed about preventive measures and, in cooperation with the World Health Organization (WHO), the Ministry of Health had drawn up an anti-AIDS programme. With regard to malnutrition and measures to overcome it, she pointed out that assistance provided by the United Nations Children's Fund (UNICEF) was channelled through a national humanitarian aid agency whose director was elected by parliament and that the bulk of that assistance went to State institutions.

27. Mr. KOLOSOV. drawing attention to the importance of a child's right to education (art. 28 of the Convention), said he regretted the fact that the attendance rate in the country's primary schools was dropping sharply. Were any measures planned to check the negative trend?

28. Mrs. KARP asked whether the Government of Bulgaria had carried out a qualitative study on school curricula which might shed light on why there was a high drop-out rate. She also asked to what extent children were involved in the process of disseminating information on their rights, whether they were involved in disciplinary procedures in educational establishments, whether television and the media in general were used to teach children tolerance and whether sex education was a compulsory feature of school curricula. She also asked about legal protection for children with antisocial behaviour who had committed crimes and were put in the care of the institutions mentioned in paragraph 241 of the report. Lastly, what measures did the Bulgarian authorities intend to adopt to prevent the increase in prostitution in the country?

29. Mrs. SANTOS PAIS also emphasized the need to amend school curricula to ensure that schools were indeed places that promoted tolerance and respect for others. In particular, the Bulgarian authorities should turn their attention to the problem of the high school drop-out rate among Roma children. The administration of justice for minors was also in need of radical reform to bring in new legislation, a new judicial system and staff who had been trained from the viewpoint of the principles of the Convention.

30. With regard to the need to guarantee children's rights when they were arrested or detained, she was surprised that the guardian ad litem could be replaced by a member of a local committee who was not necessarily a neutral party. Was there a reliable procedure whereby the judicial authorities could review a custodial sentence handed down by a local committee?

31. Mrs. EUFEMIO asked whether the growing problem of the privatization of educational establishments might not lead to financial discrimination against children from poorer families. As the delegation of Bulgaria had also pointed out that private schools attracted particularly well-qualified teachers, she asked whether State schools also recruited well-qualified staff. She urged the Ministry of Education, Science and Technologies to take account of all the principles embodied in article 29 of the Convention when it revised school curricula.

The meeting was suspended at 12.05 p.m. and resumed at 12.15 p.m.

32. Mrs. BOJKOVA (Bulgaria) pointed out that the Ministry of Education, Science and Technologies had drawn up a programme designed to guarantee regular school attendance rates and reduce the number of children dropping out of school. Projects had also been set up in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and took account of the traditions and lifestyle of populations of foreign extraction. In 1994, in an effort to increase the school attendance rate among Roma children, the Ministry of Education, Science and Technologies had organized preparatory classes for them and published books in the Roma dialect, but the problem of teacher training remained.

33. With regard to children's participation in disciplinary procedures in educational establishments, she said that pupils' representatives were present in disciplinary councils, as was the child concerned, on occasion. Several television programmes were also devoted to promoting human rights and tolerance among children and their parents and the Convention had been featured in a documentary. Sex education was now compulsory in schools.

34. As to complaint procedures in the event of ill treatment in a boarding school, new provisions had been introduced to ensure that all such establishments had house rules and informed children of what they were.

35. Many non-governmental organizations (NGOs) were trying to deal with the problem of prostitution. At the governmental level, there was no specific programme in that area, but individual measures had been taken in connection with general programmes. School curricula were identical in both State and private schools. Only material conditions were better in private schools. There were cases of teachers who taught in both kinds of establishment.

36. The CHAIRPERSON invited the members of the Committee to comment on the replies by the delegation of Bulgaria.

37. Mrs. SANTOS PAIS thanked the delegation of Bulgaria for its positive attitude, which should help the Government of Bulgaria better to identify where the system for protecting and promoting the rights of the child fell short. She hoped that legislation would be amended as quickly as possible and that the provisions of the Convention would be taken into account. Independent coordination and follow-up machinery should help assess progress in implementing the Convention and a system for collecting data on children could also operate in cooperation with UNICEF. On the basis of the two fundamental principles of the Convention (the best interests of the child and non-discrimination), Bulgaria could introduce a system to assess the impact of socio-economic policies on children. There should also be progress in the areas of information, training and education. The initial report and the Committee's conclusions should also be widely disseminated and brought to the attention of the future Government. More sustained attention should be paid to the ill-treatment of children within and outside the family. The training of professionals needed to be improved to give the population confidence in the system for protecting children and every measure taken should promote the harmonious development of the child in the spirit of articles 3 to 25 of the Convention. A national legal framework should also be established to deal with both national and international adoptions. With regard to justice for minors, she hoped that the child protection act would respect the provisions of articles 37, 39 and 40 of the Convention and that, in particular, the right to legal aid would be recognized for children, in accordance with article 37 (d) of the Convention. Lastly, she recommended increased cooperation between Bulgarian institutions and the Centre for Human Rights in Geneva and the Crime Prevention and Criminal Justice Branch in Vienna. In conclusion, she expressed the hope that the prohibition of child labour would be clearly set out in Bulgarian legislation.

38. Mrs. KARP recommended a holistic and integrated study of the implementation of the Convention to help ensure cooperation between the various ministries and non-governmental organizations (NGOs). The population should be made more aware of the general principles of the Convention in order to educate parents and teachers from the point of view of dialogue with children.

39. Miss MASON said she thought that the members of the Committee were aware that the problems Bulgaria faced as a result of its transition to democracy were compounded by the world recession. Nevertheless, she regretted that Bulgaria, like many other countries, did not thus give priority to children. A more resolute commitment to children was needed, particularly by strengthening the composition and functions of the Committee on Youth and Children. The public also needed to be made more aware of the problem of the sexual exploitation of children. Additional information on children placed in families and institutions, and on the question of national and international adoption, would be useful. Furthermore, the phenomenon of domestic violence should be looked at in greater detail. She hoped that, in five years' time, the delegation of Bulgaria would provide the Committee with information that went beyond merely recognizing existing problems.

40. Mrs. EUFEMIO said that she wanted to make four recommendations to the delegation of Bulgaria. In the first place, the Committee's suggestions could be taken into consideration when a national plan of action was drafted as the basis for measures taken to help children in Bulgaria. Secondly, studies should be carried out which would help assess how far the country had progressed in implementing children's rights (article by article of the Convention). Thirdly, curricula for Bulgarian schools should be drawn up in accordance with the objectives set out in article 29 of the Convention. With regard to means of communication and expression, particularly in respect of preschool children, the value of songs, painting and various kinds of crafts should not be overlooked.

41. Mr. KOLOSOV said that he shared Mrs. Santos País' concerns about justice for minors. Reform was needed in that area, bearing in mind, inter alia, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines). He regretted the worsening situation of children in Bulgaria and hoped that the programmes drawn up would be successfully implemented. He suggested to the delegation of Bulgaria that the dialogue with the Committee should be reported to the highest authorities in the country. It would be a good idea for a public debate or a round table to be held with the participation of the delegation of Bulgaria on the initial report of Bulgaria and the Committee's recommendations to increase public awareness of the problems facing children and promote better understanding of the principles of the Convention. A parliamentary debate on that subject would also be useful.

42. Mrs. BOJKOVA (Bulgaria) thanked the members of the Committee for their useful comments and the constructive dialogue they had entered into with her country's delegation. She assured the members of the Committee that it would pass on the Committee's suggestions and recommendations to the top Bulgarian authorities.

43. The CHAIRPERSON said that the Committee had completed its consideration of the initial report of Bulgaria. She welcomed the fruitful dialogue that had been established with the delegation of Bulgaria and recalled that the delegation had promised to transmit the Committee's suggestions to the Government of Bulgaria.

The meeting rose at 1 p.m.